

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHAUNTE ROBERTSON,)
)
Plaintiff,) No. 07 C 4398
)
v.) Judge Rebecca R. Pallmeyer
)
THOMAS DART, as SHERIFF OF COOK)
COUNTY, et al.,)
)
Defendants.)

DEFENDANTS' EXHIBIT

A

Plaintiff's Deposition Excerpt

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DEPOSITION OF:
SHAUNTAE ROBERTSON

10

11 The deposition of SHAUNTAE ROBERTSON,
12 called by the defendant for examination, pursuant to
13 notice, and pursuant to the Rules of Civil Procedure
14 for the United States District Courts, taken before
15 Christine M. Davidson, CSR in and for the County of
16 Will and State of Illinois, on May 16, 2008, at
17 10:56 a.m., at Stateville Correctional Center,
18 Joliet, Illinois.

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21

22

23

EXHIBIT A

24

ROBERTSON VS. DART, et al.

Concluded

DEP. OF S. ROBERTSON

Page 3

1 IN THE UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION

4 SHAUNTE ROBERTSON,)
 5 vs.) Plaintiff,
 6 THOMAS DART, as SHERIFF OF COOK) No. 07 CV 4398
 COUNTY, et al.,) Judge Pallmeyer
 7 Defendants.)

8
 9 DEPOSITION OF:
 10 SHAUNTE ROBERTSON

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 18 Joliet, Illinois.

Page 1

1 MR. FAHLGREN: We're here at Stateville
 2 Correctional Center for the deposition of Shauntae
 3 Robertson, the plaintiff in this case. The
 4 deposition is being taken pursuant to notice and
 5 pursuant to the Federal Rules of Evidence and
 6 Federal Rules of Civil Procedure.

7 Present are Mr. Shauntae Robertson, his
 8 attorney, Anastasia Pavich, myself, Assistant
 9 State's Attorney Daniel Fahlgren, and the certified
 10 court reporter who is not in any way related to
 11 either party.

12 SHAUNTE ROBERTSON,
 13 called as a witness on behalf of the plaintiff
 14 herein, having been first duly sworn, testified as
 15 follows:

16 DIRECT EXAMINATION

17 BY MR. FAHLGREN:

18 Q Mr. Robertson, you've just been sworn,
 19 correct?

20 A Yes, sir.

21 Q Have you ever given a deposition before?

22 A No, sir.

23 Q What we'll be doing here for the next
 24 probably couple of hours is I'll be asking you

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1 PRESENT:

2 MONICO, PAVICH & SPEVACK
 3 By MS. ANASTASIA X. PAVICH
 4 20 South Clark Street, Suite 700
 Chicago, Illinois 60603

5 appeared on behalf of the plaintiff;

6 ASSISTANT STATE'S ATTORNEY
 7 By MR. DANIEL J. FAHLGREN
 8 500 Richard J. Daley Center
 Chicago, Illinois 60602

9 appeared on behalf of the defendants.

10 INDEX

11 WITNESS

12 SHAUNTE ROBERTSON

13 EXAMINED BY

14 MR. FAHLGREN

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16 MS. PAVICH

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19 ROBERTSON DEPOSITION

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23 61

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1 questions, asking you to answer truthfully to those
 2 questions. Do you understand that?

3 A Yes, sir.

4 Q Everything that you and I say or your
 5 attorney says during this deposition will be taken
 6 down, recorded, and eventually typed up by the court
 7 reporter. Do you understand that?

8 A Yes, sir.

9 Q Any transcript that's made of this
 10 testimony will be used at a trial in this case. Do
 11 you understand that?

12 A Yes, sir.

13 Q Because it's very noisy in here, I guess
 14 this next part is pretty important. If you don't
 15 understand or you don't hear my question, please let
 16 me know that and I'll rephrase it or ask another
 17 question. Okay?

18 A Yes, sir.

19 Q And for the reason that it's so noisy in
 20 here, we'll need both of us to keep our voices up
 21 nice and loud and make all of your answers in spoken
 22 words and not gestures or shakes the head.

23 Do you understand that?

24 A Yes, sir.

	Page 9		Page 11
1	'02 to January of '06?	1	at that time?
2	A I was moved from Eleven for a fighting	2	A Yes, sir.
3	ticket. I was moved from Eleven to Division 1 and	3	Q Was there anybody else in the cell with you
4	when I came from out of ABO, Division 1, I was moved	4	at that time?
5	back to Eleven, sir.	5	A Yes, sir.
6	Q So you went from Division 11 to Division 1,	6	Q Who was that?
7	ABO?	7	A My cellmate.
8	A Yes, sir.	8	Q Who was your cellmate?
9	Q And how long were you in Division 1, ABO?	9	A Brian Lewis.
10	A I believe three months, sir.	10	Q And you described an incident involving an
11	Q And you said that it was for a fighting	11	officer named Trejo, T-r-e-j-o, correct, in your
12	ticket. What do you mean by that?	12	lawsuit?
13	A It was like some type of behavior program	13	A Yes, sir.
14	they had over there, sir.	14	Q Just shortly before that incident involving
15	Q And when you say a ticket, is that a	15	Officer Trejo, what were you doing?
16	disciplinary charge that was brought against you?	16	A Sitting down playing casino, sir.
17	A Yes, sir.	17	Q Sitting down playing what?
18	Q And that was for fighting?	18	A Playing casino, sir, cards.
19	A Yes, sir.	19	Q Playing cards with Brian Lewis?
20	Q Was that for fighting with an officer or	20	A Yes, sir.
21	another inmate or someone else?	21	Q And do you know what if anything was going
22	A Inmate, sir.	22	on in the tier at that time? Were there any inmates
23	Q Was that an inmate who had been in Division	23	to your knowledge out of their cell at that time?
24	11?	24	A No, sir. Not that I know of, sir.
	Page 10		Page 12
1	A Yes, sir.	1	Q To your knowledge, was everybody locked
2	Q What was that person's name?	2	into their cells?
3	A I can't remember, sir.	3	A Yes, sir.
4	Q Did he have a street name or nickname?	4	Q Was there a regular time in January of '06
5	A I don't remember, sir.	5	when inmates were locked in their cells for the
6	Q When you were in Division 11 in January of	6	evening or was it all day?
7	2006, what was the charge that was pending against	7	A We was in protected custody, sir, so the
8	you?	8	hours ran like all day like towards midnight shift.
9	A First degree murder, sir.	9	Q You were in protective custody? It was a
10	Q And do you know what security level	10	protective custody tier?
11	Division 1 was in January of '06? Was it medium,	11	A Yes.
12	maximum, minimum?	12	Q What does that mean? What do you
13	A I believe minimum.	13	understand protective custody to be? Is it the same
14	Q It was minimum security, you believe?	14	as general population in the rest of the jail?
15	A Yeah.	15	A No, sir.
16	Q January 22, 2006, what tier were you housed	16	Q What's different about it?
17	on in Division 11?	17	A Supposed to be protected by correctional
18	A I was on AC, sir.	18	officers from other inmates, I believe.
19	Q At approximately 8:30 that evening, just	19	Q Protecting you from other inmates?
20	before the incident happened that's the subject of	20	A Yeah.
21	your lawsuit, where were you?	21	Q And in order to do that, were there rules
22	A I was in, I believe, upper 7, on the upper	22	about when the inmates in Tier AC could be out of
23	deck, cell 7.	23	their cells or when they had to be locked in?
24	Q And were you secured or locked in your cell	24	A Hours. It was getting ran by hours, sir,

	Page 13	Page 15
1	like one cell would come out at a time for an hour a	1 A I went back to Eleven.
2	day.	2 Q And then you stayed in protective custody
3	Q So, for example, on any particular day in	3 up until at least January of '06?
4	January of 2006 you were allowed out of your cell	4 A Yes, sir.
5	and into the day room for one hour?	5 Q So I take it Brian Lewis was also in
6	A Yes, sir.	6 protective custody?
7	Q What happened for the remaining 23 hours of	7 A Yes, sir.
8	the day?	8 Q Do you know the names of any of the persons
9	A I mean, other cells be out for their hour,	9 that stabbed you?
10	sir.	10 A No, sir.
11	Q While inmates from other cells were out for	11 Q Do you know why Brian Lewis was in
12	their hour, were you locked in your cell with Lewis?	12 protective custody?
13	A Yes, sir.	13 A No, sir.
14	Q So it was a 23 hours in, one hour out	14 Q Now, let's talk about the incident that's
15	situation?	15 the subject of your lawsuit.
16	A Yes, sir.	16 So you and Lewis were playing casino in the
17	Q Were you in that protective custody	17 cell?
18	situation from the time you came back to Division 11	18 A Yes, sir.
19	after being in Division 1 but up until January of	19 Q And that was approximately 8:30 or 9:00
20	20 o'clock in the evening, somewhere around that time?	21 A I can't remember what time, sir.
21	A No, sir.	22 Q What is the first event that you recall
22	Q Can you describe for me, when did you start	23 happening that involved this lawsuit? What was the
23	being in protective custody?	24 first thing unusual that happened?
24	A I got stabbed, sir, like eight months	
	Page 14	Page 16
1	before -- like eight months before this incident I	1 A I mean, I was playing cards with my celly
2	got stabbed, and I was in protective custody for the	2 and the officer, Trejo, had came, opened up our
3	time ever since to this incident happened.	3 door, and we like, What's up, what's wrong, you
4	Q So you had been in protective custody for	4 know? He went off yelling, You all putting shit on
5	about eight months when this incident with Trejo	5 your door, you all putting bullshit in the door. I
6	happened?	6 said, We ain't putting nothing in the door, man.
7	A Yes, sir.	7 They must have popped it from the bubble.
8	Q You said you were stabbed. Was that in --	8 Q When you say they must have popped it from
9	what division were you in when you were stabbed?	9 the bubble, what are you referring to?
10	A Eleven.	10 A They got a treehouse that they -- the doors
11	Q Was that another inmate that stabbed you?	11 over there in Division 11 is electronic doors so
12	A Some other inmates, yes, sir.	12 they have to press a button from up top to enter
13	Q Some other inmates?	13 where the officers be at and the door come open.
14	A Yes, sir.	14 That's how they roll all the doors and stuff.
15	Q Were you injured in that stabbing?	15 Q In Division 11 where you were, the officers
16	A Yes, sir.	16 are able to from there -- is it like their office,
17	Q Did you spend some time in the hospital?	17 the bubble? Is it like an office for the officers?
18	A Yes, sir.	18 A Yes, sir.
19	Q Which hospital were you in?	19 Q And they're able to open the cells
20	A Mount Sinai.	20 electronically from their bubble?
21	Q How long were you in Mount Sinai after this	21 A Yes, sir.
22	stabbing?	22 Q And you said Trejo -- before we get to
23	A Two weeks.	23 that, before this incident happened with Trejo, had
24	Q And after that two weeks, what happened?	24 you already had your one hour out for that day?

	Page 17	Page 19
1	A I believe so.	1 A Yeah.
2	Q So when Trejo came to your cell, you didn't	2 Q What's that?
3	expect that to be your hour out?	3 A He thought like I was putting something in
4	A No, sir.	4 the door so I could come up out of my cell and run
5	Q Did Trejo -- you said he started yelling at	5 around in the day room or whatever.
6	you when he came in the cell?	6 Q Did you understand him to be yelling
7	A Yes, sir.	7 about -- accusing you of somehow putting something
8	Q Did he say you particularly or was he	8 in the door to keep it from locking?
9	yelling at Lewis, could you tell?	9 A Yes.
10	A Both of us.	10 Q He yelled at you and you yelled some things
11	Q What specifically was he yelling about?	11 back at him, right?
12	A Saying we putting shit in the door. That's	12 A Yes, sir.
13	what he was saying. Why you all putting this	13 Q Was Lewis yelling also?
14	bullshit in the doorway. I mean, like I can't	14 A No, sir.
15	remember like word for word what he was saying, but	15 Q Did he close the door, do you know, or did
16	I know it was a lot of hostility in his tone and he	16 the door close by itself?
17	was using bad language. He called me the N word,	17 A He closed the door.
18	nigger, and I called him a couple of words like	18 Q So we're clear, is this a door that slides
19	faggot, and, you know, stuff like that. He left.	19 from side to side to close?
20	He left and he came back with officers.	20 A Yes, sir, it would slide.
21	Q Let's go back here a little bit. So Trejo	21 Q So it doesn't swing open like the door
22	comes in. Does he actually come inside the cell?	22 that's here on hinges?
23	A No. He stayed on the outside of the cell.	23 A No, sir.
24	Q Was the cell door closed or open at that	24 Q It's a sliding door?
	Page 18	Page 20
1	time?	1 A Yes, sir.
2	A It was open.	2 Q When he walked away from the door then, was
3	Q It was open but he was on the outside of	3 the door slid back shut?
4	the door?	4 A Yes, sir.
5	A Yes, sir.	5 Q Did you check it to see if it was actually
6	Q After he initially yelled at you, and then	6 locked?
7	you said some things back to him, right?	7 A No, sir. I knew it was locked.
8	A Yes, sir.	8 Q What was the next thing that happened?
9	Q Was there any physical contact between you	9 A The next thing he left. He came back like
10	and Trejo at that time?	10 some minutes later. I can't remember like how many
11	A No, sir.	11 minutes, but it wasn't that long. He came back.
12	Q Did he or anyone else close the door?	12 When he came back he told me that the chief and the
13	A Yeah. He closed the door and he left, sir.	13 captain wanted to speak to me, wanted to talk to me.
14	Q So he closed the door and then he went away	14 I said -- I looked, I got up, then I
15	from your cell?	15 thought about it because I seen some more officers
16	A Yes, sir.	16 on the outside of the door like in the innerlock and
17	Q You said that he said to you something	17 they had on their gloves, and I know these officers,
18	about putting stuff -- I think you used the word	18 I'm familiar with they work and how they be doing
19	shit in the door?	19 around the cellhouse, the deck.
20	A That's what he said.	20 So I'm like, Where the white shirt at, you
21	Q He said you were putting shit in the door?	21 know? I'm like, You got to give me a white shirt.
22	A Yes.	22 That's a sergeant that wear a white shirt. That's
23	Q Did you understand what he was referring	23 what we call them, white shirt.
24	to?	24 So I'm like, Where the white shirt or the

	Page 25	Page 27
1	Q Did Trejo have gloves on?	1 Q When you just testified to that you used
2	A I don't remember, sir.	2 your right hand and made a gesture like you were
3	Q The gloves that you saw these other	3 talking into a radio. Did he have his right hand on
4	officers wearing, can you describe the gloves?	4 his radio?
5	A I mean, just gloves. I mean, I can't --	5 A Yeah. He got right on his radio and said,
6	that's what they do, you know. They wear gloves any	6 We got a situation over here on AC, and then he
7	time they --	7 followed up punching me.
8	Q Are they like surgical gloves, like white	8 Q And where did he punch you?
9	rubber gloves?	9 A In my face.
10	A No. They black gloves.	10 Q With which hand did he punch you?
11	Q Looked sort of like something somebody	11 A I don't know which hand. I just know I'm
12	might wear in the wintertime to keep their hands	12 getting punched.
13	warm gloves or rubber gloves? You can't tell?	13 Q Other than what he said into the radio, did
14	A Like motorcycle gloves or something.	14 he say anything to you before he punched you?
15	Q Possibly leather or vinyl black gloves?	15 A No. He just said -- I remember him saying,
16	A I just know they was black.	16 He's refusing, and then he said, We got a situation
17	Q Did you know Trejo before that day?	17 over here on AC, and he started punching me.
18	A I mean, I seen him. I seen him around a	18 Q He said, He's refusing?
19	couple of times.	19 A Yeah.
20	Q Was he an officer you had previously seen	20 Q And then he said, We have a situation?
21	on that tier working?	21 A Yeah, but he didn't say that on the radio.
22	A He worked over there a few times, yeah.	22 He didn't say he's refusing on the radio. He told
23	Q Did you ever have any arguments or problems	23 Pobbalino and the officers that's in the innerlock
24	with Trejo before that day?	24 right there, he told them, He's refusing. Then he
	Page 26	Page 28
1	A No, sir. That was the first time.	1 got on the radio and said, We got a situation over
2	Q What happened when he came up to the cell	2 here on AC, and he started punching me.
3	the second time when you saw the officers in the	3 Q And the words you used, is that refusing,
4	innerlock behind him? What did Trejo do?	4 like refusing to come out?
5	A He said the chief and the captain want to	5 A Yeah.
6	talk to you.	6 Q At the time that he punched you, were there
7	Q I'm sorry. You told me that. And you told	7 any officers standing right immediately around him?
8	him you wanted to see a white shirt.	8 A I mean, they start -- I told you, they was
9	A Exactly. I say, Why can't somebody with	9 on the deck right there. They was just right there
10	some higher authority come and tell me that, you	10 by the door, you know what I'm saying?
11	know, like a lieutenant or a sergeant or something,	11 Q Inside the innerlock or outside of it?
12	a white shirt.	12 A The door was open. They was on the
13	Q After you said that, what did you do?	13 outside, though, with their gloves on, so they was
14	A I just told him I ain't going nowhere until	14 just waiting to come in.
15	a sergeant -- a higher authority come and tell me	15 Q They were standing outside of the innerlock
16	that.	16 door?
17	Q You were telling him that you weren't going	17 A Yeah.
18	to come out of the cell with him, you wanted a white	18 Q Would that be inside the tier?
19	shirt in authority to be there when you came out?	19 A Like right there, the door right there.
20	A Exactly.	20 They was like on the outside. Like this us, we on
21	Q What did he do then?	21 the deck, they on the outside of the door, but the
22	A He got on his radio and he said, We got a	22 door was open.
23	situation on AC, and he punched me -- and he started	23 Q So if we're on the deck and they're outside
24	punching me.	24 the door, would that put them inside the innerlock

	Page 33	Page 35
1	put your arms up in front of your face -- in front	1 A I don't know. One of the officers.
2	of your head, did Trejo continue to hit you?	2 Q You heard somebody yell, All available?
3	A Yes, sir.	3 A All available.
4	Q How did he do that? Did he get down on the	4 Q Where were you when you heard that?
5	ground with you or how did he do that?	5 A I was on the floor.
6	A He was like this punching me, like trying	6 Q And then you said that when you regained
7	to move my arm from blocking my face. He was	7 consciousness you were outside of the cell?
8	hitting me like that.	8 A Yes, sir.
9	Q And when you just testified to that you	9 Q Where located in the jail outside the cell?
10	kind of stood up and you bent over at the waist	10 Still in the day room?
11	leaning down?	11 A In the day room.
12	A Yes, sir.	12 Q Were you on the upper or lower level?
13	Q Is that how he did it?	13 A Lower.
14	A Yes, sir.	14 Q Do you know how it was that you got from
15	Q So he was still on his feet?	15 being inside your cell to being outside the cell?
16	A Yes, sir.	16 A I mean, they took me out still getting down
17	Q How many times did he hit you after you	17 on me.
18	were down?	18 Q While you were unconscious?
19	A I don't know, sir, because some other	19 A Yes, sir.
20	officers, they came and they was like helping him.	20 Q Do you know how it was that you got out of
21	By that time I was on my back and somebody had their	21 your cell, how you physically got out of your cell?
22	knee up in my back and I believe somebody elbow -- I	22 A They had to take me out of there, sir.
23	don't know if it was Trejo or one of the other	23 That's the only way I could have got out of there.
24	officers, they elbow was in my neck like this and	24 Q How do you know that?
	Page 34	Page 36
1	somebody was hitting me, and I had went unconscious.	1 A I mean, if they would have left me in there
2	Q You were down on the ground at that time?	2 I would have just been still laying in there
3	A Yes, sir.	3 bleeding, knocked out.
4	Q And then you went unconscious?	4 Q Did you ever walk out of your cell?
5	A Yes, sir.	5 A No, sir.
6	Q When did you wake up conscious again?	6 Q When you regained consciousness outside the
7	A I woke up -- I was like waking up, passing	7 cell, you were on the lower level, you said?
8	out because the beating ain't stopped. I remember	8 A Yes, sir.
9	that was inside the cell when I first went	9 Q So all the way down the stairs?
10	unconscious. When we was outside the cell now, I	10 A Yes, sir.
11	remember waking up, going back unconscious.	11 Q Was Trejo still there when you regained
12	Q So you were knocked unconscious inside the	12 consciousness downstairs?
13	cell?	13 A I don't remember, sir.
14	A Yeah.	14 Q Before you got down the stairs, did you
15	Q The last thing you remember while you were	15 ever punch Trejo?
16	still inside the cell down on the ground, did you	16 A No, sir.
17	see any other officers besides Trejo inside the	17 Q After Trejo first punched you when you were
18	cell?	18 back up in your cell, did you ever punch him?
19	A I mean, I seen their feet. I couldn't see	19 A No, sir.
20	their face.	20 Q When you were on the ground in your cell,
21	Q How many feet did you see?	21 did you ever punch him?
22	A A lot because they called all available.	22 A No, sir.
23	You know, I had heard them call all available.	23 Q At any time that day did you ever punch
24	Q Who called all available?	24 Officer Trejo in the face?

	Page 45		Page 47
1	Q As far as you know, right?	1	short, heavy?
2	A Yes, sir.	2	A Older woman, short, fat, chubby.
3	Q I wanted to go back just for a minute to	3	Q I'm sure she'll be happy to hear that
4	the day room when you regained consciousness when	4	description. I appreciate you're doing the best you
5	you were in the cuffs and shackles.	5	can.
6	Did you see any other inmates out there at	6	Can you remember if she wore glasses or
7	that time besides Lewis?	7	anything like that?
8	A No, sir.	8	A I can't remember.
9	Q Were you aware of anybody administering any	9	Q Then you said she said she had to go out of
10	sort of medical care or examination to you in the	10	the room?
11	dispensary?	11	A Huh?
12	A Yes, sir.	12	Q She said she had to go out of the room?
13	Q You were aware of that?	13	A No. She said I got to go outside.
14	A Yes, sir.	14	Q What happened then?
15	Q Do you know who that was?	15	A I mean, the officers, they was still
16	A Yes. The same nurse I was telling you that	16	kicking me.
17	witnessed them kicking me.	17	Q They were still kicking you?
18	Q So that was before you went unconscious the	18	A Yeah.
19	third time?	19	Q This is still in the dispensary?
20	A Yes, sir.	20	A Yeah.
21	Q So did you go unconscious during the	21	Q What's the next thing you remember?
22	examination?	22	A At the hospital, waking up at Mount Sinai
23	A During the examination?	23	Hospital with lights all in my face, and the
24	Q You said there was a nurse taking care of	24	Internal Affairs from Cook County had came and took
	Page 46		Page 48
1	you or examining you in some way?	1	pictures of me, asked me questions.
2	A Right.	2	Q You remember there were investigators there
3	Q What was she doing specifically, do you	3	taking pictures of you?
4	remember?	4	A Yes, sir.
5	A I mean, she just looked at me. She said I	5	Q Do you remember going to Mount Sinai
6	got to go outside. When she walked off -- I mean,	6	Hospital? Do you remember the trip there?
7	she was still present, though, but she went behind	7	A No, sir.
8	the counter. The officers was back there with me on	8	Q Were you conscious between the time you
9	the other side of the counter with me still kicking	9	said you fell unconscious the third time in the
10	me, stepping all on me.	10	dispensary and the time you were in Mount Sinai?
11	Q I guess what I'm trying to get at is, did	11	Were you conscious in --
12	she actually do any sort of examination, like a	12	A I just remember waking up in Mount Sinai.
13	medical examination, take your temperature, your	13	Q How did you feel when you woke up in
14	pulse?	14	Mount Sinai?
15	A I don't know. I can't really remember	15	A I was messed up, man. I felt messed up.
16	that, but I remember her just looking at me, saying	16	Q I'm going to ask you, as best you can
17	I got to go outside, to an outside hospital.	17	remember, where specifically on your body did you
18	Q This nurse, it was a female, right?	18	feel pain or messed up?
19	A Yes, sir.	19	A My neck, my face, my jaw, my eye, my ears,
20	Q What race was she?	20	my legs, my back, my side --
21	A She was white.	21	Q Your face --
22	Q Do you know what color hair she had?	22	A -- my ankles.
23	A No, sir.	23	Q Where specifically on your face, right
24	Q Can you describe her? Was she large,	24	side, left side, nose, mouth, forehead?

	Page 61	Page 63
1	you first came into Cook County jail in 2002? Does	1 Trejo?
2	that sound familiar?	2 A Excuse me?
3	A It's so long ago, I don't know. I	3 Q Is this an accurate copy of the grievance
4	probably.	4 that you filed regarding the incident where you
5	Q But you do recognize that as your signature	5 claim that you were beaten and kicked?
6	next to the X?	6 A Yes, sir.
7	A Yes, sir.	7 Q I want to ask you about in the upper
8	Q At some time, either in Mount Sinai	8 right-hand corner, it appears to have the date of
9	Hospital or when you got back, did you ever file an	9 1/3/06. Do you see that?
10	inmate grievance against the officers that had beat	10 A Right.
11	and kicked you?	11 Q Do you know why the date says 1/3/06 when
12	A Yeah. I had another inmate to write a	12 it was written about a January 22nd incident?
13	grievance for me.	13 A I have no idea, sir.
14	Q You had another inmate write it?	14 Q But if you look below that on the first
15	A Yes, sir.	15 handwritten line right here, right below where it
16	MR. FAHLGREN: Let's mark this No. 2	16 says 1/3/06, it does say 22, January, right?
17	(Robertson Deposition Exhibit No. 2	17 A Yes, sir.
18	was marked for identification.)	18 Q That's the date of the incident that we're
19	BY MR. FAHLGREN:	19 talking about with the lawsuit, right, January 22nd?
20	Q I show you what's been marked Robertson	20 A Yes, sir.
21	Deposition Exhibit No. 2 and ask you to take a look	21 Q Now, I ask you to, first of all -- I'm
22	at that. It's a two-page document, correct?	22 sorry. At the bottom of this first page there's the
23	A Yes, sir.	23 printed words, Detainee Signature, and then a
24	Q Take a moment to look at it, and I'm going	24 signature next to that?
	Page 62	Page 64
1	to ask you if you recognize it.	1 A Yes, sir.
2	A That's my signature.	2 Q Is that your signature?
3	Q That's your signature?	3 A Yes, sir.
4	A Yes, sir.	4 Q You recognize that as your signature?
5	Q What do you recognize this document to be?	5 A Yes, sir.
6	What is it?	6 Q Now take a look at the second page of
7	A A grievance.	7 Exhibit 2.
8	Q Does that appear to be a true and accurate	8 Have you seen that second page before also?
9	copy of the grievance that you filed about this	9 A That's my signature.
10	incident?	10 Q Can you read that whole line for me in
11	You can take a look at it and read it if	11 front of your signature, all the letters?
12	you need to.	12 A I can't read cursive writing, sir.
13	A Yeah, this is the grievance the inmate	13 Q Let me ask you, take a look at it. The
14	wrote for me.	14 second page around the middle, you see your
15	Q It's your grievance but another inmate	15 signature, right?
16	actually wrote it out?	16 A Yes, sir.
17	A Yes, sir.	17 Q And it says, Detainee Signature. That's
18	Q Based on information you told him?	18 printed on the form in front of your signature,
19	A I mean --	19 right? Do you see that?
20	Q Did you ask that other inmate to write that	20 A Yes, sir.
21	grievance for you?	21 Q In front of that, do you see there's a date
22	A Yes, sir.	22 to the left of where it says, Detainee Signature?
23	Q Is this the grievance that you sent -- that	23 A Yeah.
24	you filed as a result of the incident with Officer	24 Q That says February 28, '06, right?

	Page 65	Page 67
1	A Yes, sir.	1 because the counselor that had came to see me with
2	Q And before that it indicates, Date detainee	2 this -- I thought I had -- because I had another
3	received a response?	3 inmate do another grievance for me too based on this
4	A Yeah.	4 incident. I don't know what happened to it, though,
5	Q Is it fair to say that your signature -- by	5 because the other inmate, he messed up on this
6	your signature you're indicating that you received a	6 grievance he had done for me.
7	response to the grievance? Is that what you were	7 Q You had another inmate write a different
8	signing about?	8 grievance than this one, right?
9	A Yes.	9 A Yes, sir.
10	Q So you did receive the response that's	10 Q But about the same incident?
11	written as the top half of page 2, right?	11 A Yes, sir.
12	A Yes.	12 Q Have you ever seen a copy of that grievance
13	Q I'm going to try to read this and you tell	13 since then?
14	me if you understand the response the same way I'm	14 A No.
15	reading it.	15 Q Just to finish with this one, looking at
16	A Okay.	16 the second page, is there anything written below
17	Q You see where it says, Response statement?	17 where it says your signature, any handwriting on
18	A Right.	18 that form at all?
19	Q Does that appear to say, Detainee was	19 A Detainee Signature.
20	aggressive and attacked CO?	20 Q Below that.
21	Does that look like what it says to you?	21 A Oh, below that?
22	A Yes.	22 Q Yes. It's a blank form, right? Nobody
23	MS. PAVICH: I think it was aggressor.	23 filled in any of those blanks, right?
24		24 A No.
	Page 66	Page 68
1	BY MR. FAHLGREN:	1 Q You didn't fill in any of those blanks, did
2	Q Okay. Detainee was aggressor and attacked	2 you?
3	CO. Is that accurate? Not accurate, but is that	3 A No.
4	what it says?	4 Q Thank you. That's all I have on that.
5	A Yes.	5 As a result of this incident, were you
6	Q And then after that it says, Detainee	6 charged with a crime?
7	manipulated cell lock.	7 A Yes, sir.
8	Do you see that?	8 Q And was that aggravated battery to Officer
9	A Yes, I see it.	9 Trejo? Is that what you understood the crime to be?
10	Q There's something there, but it's hard to	10 A Yes. Yes, sir.
11	read. It might be a T. After that do you see the	11 Q Do you know what happened to that charge?
12	words, Charged accordingly?	12 A They SOL'd it.
13	A I remember getting this.	13 Q When was that?
14	Q Did you read the response when you got it?	14 A I believe July 23rd of last year.
15	A I had somebody else read it to me.	15 Q Of '07?
16	Q And so you knew what the Department of	16 A Yes, sir.
17	Corrections' response was --	17 Q What happened on July 23rd of '07?
18	A Right.	18 A I was being sentenced that day for the
19	Q -- as a result of this document, right?	19 crime that I was there charged with.
20	A Right.	20 Q That was the murder charge?
21	Q Did you agree with that response?	21 A Yes, sir.
22	A No.	22 Q You were present for the sentencing
23	Q Did you think it was right?	23 hearing --
24	A No. I had thought I had appealed it	24 A Yes, sir.

Part-A / Control # 2002-X-0151Referred To: I.A.D.

COOK COUNTY DEPARTMENT OF CORRECTIONS

DETAINEE GRIEVANCE

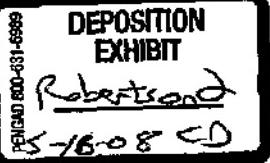
Detainee Last Name: Robertson First Name: ShauntaeID #: 2002 - 0020353 Div.: 11 Living Unit: AC Date: 1/13/06

BRIEF SUMMARY OF THE COMPLAINT: On the 22 of JANUARY I HAD Popped out my cell the officer told me to hit me. He came up the stairs arguing at me then he hit me and I detained myself and all of a sudden he steps back gets on the walkie talkie and arguing he kicks to the door and in comes all these officers than he pushes me than another officer he hits me than my cell door locks onto the top bunk and then the officers beat us drags us down the iron stairs like us and that's all I remember than I woke up in Mt. Sinai Hospital.

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

CLYDE KENDRICK 1005063-1083 Andie Hause 3002005535

ACTION THAT YOU ARE REQUESTING:

DETAINEE SIGNATURE: Shauntae RobertsonC.R.W.'S SIGNATURE: J. L.DATE C.R.W. RECEIVED: 2/13/06

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and directly submitted to the Superintendent.

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE)

00027

JSAO

EXHIBIT A2
(SAME AS EXH. B1)

C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE

EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE

Detainee's Last Name: RobertsonFirst Name: Shawntae ID# 2002-0020353Is This Grievance An Emergency? YES NO C.R.W.'S Summary Of The Complaint: Inmate claims that he was beaten and pulled down the stairs.C.R.W. Referred Griev. To: I.A.D. Date Referred: 2/21/06Response Statement: Detainee was accessible at the time. Q.C., detainee manipulated cell locks & charged accordingly. No F&D case file warranted.Chair Kaufman TIG Date: 2/27/06 Div./Dept: F&D
(print - name of individual responding to this griev.) (signature of individual responding to this griev.)J. Anderson SHD 2/27/06 Date: 2/27/06 Div./Dept: XI
(print - name of Sup't. / Designee / Dpt. Admin.) (signature of Sup't. Designee / Dept. Admin.)C. Warren SHD 2/27/06 Date: 2/27/06
(print - name of Prog. Serv. Admin. / Asst. Admin.) (signature of Prog. Serv. Admin. / Asst. Admin.)Date Detainee Received Response: 2/28/06 Detainee Signature: Shawntae Robertson

REQUEST FOR AN APPEAL

APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE

Date Detainee Request For An Appeal: 2/28/06

Detainee's Basis For An Appeal:

Appeal Board's Acceptance Of Detainee's Request: YES NO

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

Appeal Board's Signatures / Dates:

Date Detainee Rec'd the Appl. Bd.'s Response: 3/1/06 Detainee Signature: _____GRIEVANCE CODE(S): () () () () ()

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE) (ORANGE COPY - DIVISION/SUPER OFFICE)

ccsao

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHAUNTE ROBERTSON,)
Plaintiff,)
v.) No. 07 C 4398
THOMAS DART, as SHERIFF OF COOK)
COUNTY, et al.,) Judge Rebecca R. Pallmeyer
Defendants.)

DEFENDANTS' EXHIBIT

B

Affidavit of Laroy Warren

Affidavit of Laroy Warren

I, Laroy Warren, being duly sworn under oath, depose and state that the following is based upon firsthand knowledge, and I can testify to the following and that if I were called upon to testify, my testimony would be as follows:

1. My name is Laroy Warren and I am presently employed as Supervisor in the Program Services Office of the Cook County Department of Corrections at 2700 S. California in Chicago, Illinois. I was so employed in January 2006.
2. I am familiar with the detainee grievance procedure at CCDOC.
3. My duties include tracking grievances and maintaining grievance records, including responses and appeals filed by detainees.
4. The Cook County Department of Corrections (CCDOC) established a grievance procedure that is available to all inmates.
5. If the detainee wishes to appeal the grievance decision, the detainee will have fourteen working days from receipt of the response to appeal to the Administrator of Program Services by writing his reasons for appeal on the lower half of the response page for the grievance.
6. I have reviewed the attached Exhibit 1, a detainee Grievance filed by Shaunte Robertson with control number 2006X0151.
7. Mr. Robertson signed for receipt of the grievance response on February 28, 2006.
8. He did not fill in or sign the appeal section of the grievance.
9. I have reviewed the CCDOC Master Grievance log and database. There is no record of Mr. Robertson filing an appeal of this grievance response.

By:

Laroy Warren
Supervisor, Program Services
Cook County Department of Corrections

Subscribed and sworn to before me
this 22nd day of January, 2009

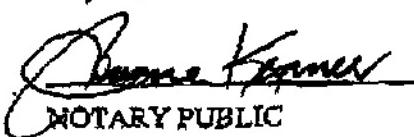

NOTARY PUBLIC



EXHIBIT B

COOK COUNTY DEPARTMENT OF CORRECTIONS

DETAINEE GRIEVANCE

Detainee Last Name: Robertson First Name: Shauntee

ID #: 2002 - 0020353 Div.: 11 Living Unit: AC Date: 1/13/06

BRIEF SUMMARY OF THE COMPLAINT: On THE 12TH OF JANUARY I HAD Popped out my cell the officer took a light me he came up the stairs arguing at me he hit me and I defended myself all of a sudden he steps back gets on the walkie talkie were arguing he kicks in the door an in comes all these officers than he pushes me than another officer he hits me than my cellie jumps off the top bunk an then the officers left us drags us down the iron stairs cuff us an that's all I remember than I woke up in Mt Sinai Hospital

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

C140E K.N.D/STON 1025063-1083 Andie Hams 20202535

ACTION THAT YOU ARE REQUESTING:

DEPOSITION EXHIBIT

Robertson
5-16-08 CD

DETAINEE SIGNATURE: Shauntee Robertson

C.R.W.'S SIGNATURE: J.L.

DATE C.R.W. RECEIVED: 2/28/06

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE)

00027

CCSAO

EXHIBIT B1 (SAME AS A2)

C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE

EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE

Detainee's Last Name: Robertson

First Name: Shavon ID# 2002-0020353

Is This Grievance An Emergency? YES NO

C.R.W.'S Summary Of The Complaint: Inmate claims that he was Seized and pulled down the stairs.

C.R.W. Referred Griev. To: I.A.D.

Date Referred: 2/12/06

Response Statement: Detainee was aggressor & attacked C.O., detainee manipulated cell locks & charged accordingly. No F&D Case file warranted.

Chris Kaufman

(print - name of individual responding to this griev.)

(signature of individual responding to this griev.)

Date: 2/27/06 Div./Dept. DAD

J. Anderson

(print - name of Sup'l. Designee / Dept. Admin.)

(signature of Sup'l. Designee / Dept. Admin.)

Date: 2/27/06 Div./Dept. XI

C. Walker

(print - name of Prog. Serv. Admin. / Asst. Admin.)

(signature of Prog. Serv. Admin. / Asst. Admin.)

Date: 2/27/06

Date Detainee Received Response: 2/128/06

Detainee Signature: Shavon Robertson

REQUEST FOR AN APPEAL

APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE

Date Detainee Request For An Appeal: 2/128/06

Detainee's Basis For An Appeal:

Appeal Board's Acceptance Of Detainee's Request: YES NO

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

Appeal Board's Signatures / Dates:

Date Detainee Rec'd the Appl. Bd.'s Response: 2/128/06 Detainee Signature:

GRIEVANCE CODE(S): () () () () () ()

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE) (GOLDENROD COPY - DIVISION SUPER. OFFICE)

CCSAO